App. F. IX-4

1930.

File No. 83/30

Previous References
SdA 141-09 (10, 11, 17 & 18) (SdA)
SdA 62-14 (4, 5, 12, 13)

Serial Nos. 1, 2, 12 & 20

Later References
SdA 20-20 (4, 5, 9 & 11-16)
SdA. Dep 157/32.
(SP 3-25/48)

General and Revenue Secretariat.

Serial Nos. Jam

Part B for November 1932

SUBJECT.

Distribution of the Sanjaphar Jagir Pension Rs 3/15/- drawn by late Ghulam Mustafa Khan

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ff(20) to Dt. Banglore & Comptroller
K 2502-3 dt 23. XI. 32

Sometimes the division is prepared by the Dt. Banglore

14/12/32

General and Revenue Secretariat, S/H File No. 83 of 193 0.

Serial No.	
1	From Ryazuddin Khan petitions dated 1-9-30. praying that the Sarjapur pension (Rs 3-15-5) of late (M.J. Gulam Hussain Khan) his father may be disbursed to himself and his brothers & sister also.
	1. Draft forwarding the ~~two~~ petitions (to correspondent for report is put up for approval
	Sd/- 16/9/30 2. Done 16/9/30
2	To Comptroller, No H 22028 dt 18-9-30 Forwards the petition of Ryazudin Khan for report.
12	From Comptroller, No 2488 dt 5-6-31. Forwards the D.C. Bangalore's report on the claimants to the Sarjapur Jaghir pension of Rs 3-15-5 drawn by late Mohamed Gulam Hussain Khan. [illegible]
	3. There are two pensions vacant for disposal viz (i) Rs 3-15-5 of Gulam Hussain Khan and (ii) the same amount in the name of Mohadin Khan.
	4 The first pension is claimed by his three sons and one daughter (Rajuddin Khan, Mohiyuddin Khan and Md Razakkhan of Mariambi). One third of this pension is recommended to be sanct

Sd/- 19/9

NOTE—Contn. Sheet.

WD 02553-G PB—50,000—8-7-30

to Mariambi, the remainder being equally distributed among the three Sons - These pensions being hereditary in character are apportioned among the claimants according to the Mohamadan Law.. Law Secty: may be consulted as to the Shares, a son & daughter are entitled to in the vacant pension of Gulam Hussain Khan.

5. As regards the second pension of Rs 3-15-5 rendered vacant by the death of Mohadin Khan, the three Sons of Gulam Hussain Khan mentioned in the previous para claim a share in this pension also, being nephews of the deceased along with 3 other claimants viz.—

(i) Nizamulla Khan (ii) Mohamed Khan Sons of the elder of the deceased -

and (iii) Ghouse Khan Son of the deceased's younger brother. Records relating to this are not yet received and investigations are said to be in progress -

6. For orders whether both the pensions be disposed of together or severally -

Subd The report on the claim for pension of Mohidin Khan may be awaited.

GS 4/7/31

7. Yes.

6.7.31

8. I am sorry this case has been needlessly delayed. The case may be put up for orders for disposing of the pension rendered vacant by the death of Gulam Hussain Khan

12.4.1932

→ X to the exclusion of the deceased's only daughter Ashatuna

(The file containing the G.O: referred to in the P.P. is put up below)

GS 12/8

Serial No.

This reference is invited to para 8 of the letter dy 12.6.32.

9) The Dy Com' Rajshahye has, vide his letter reported on the Claims of Gajanoori Khan and Nizamuddin Khan to the pension Rs 3-15-5 rendered Vacant by the death of Mohadi Khan. The D.C recommends the Vacant pension of Rs 3-15-5 in favour of Rahija Bi who is the only surviving daughter of the deceased Mohadi Khan. Apparently the Claims of Gajanoori Khan and several others to the pension of Mohadi Khan are not tenable. (Please see linked file)

Vide, P.W.D. letter enclosed file

10) Orders are also solicited as to the disposal of the Vacant pension of Rs 3-15-5 of the late Gulam Hussain Khan. The Dy Com', Bogra, is of opinion that out of the pension of Rs 3-15-5 of the late Gulam Hussain Khan 1/3 may be given to his daughter Maricambi and the remaining two thirds divided equally among his sons viz Gajanoori Khan, Nyoori Khan and Mohamed Rezak Khan.

Rules for orders with Secy.

RCK 9/6/8

11) To the Asstt Secy, Law Dept, for Rules stating if the proposal of the Dy Com' of Rajsh'ye Bogra referred to

NOTE—Contn. Sheet.

WD 02553—GPB—50,000—8-7-30

above are in accordance with the Mahomedan law of inheritance.

Audrey Lawson
Asst Comptr

29/8

12) The proposals in respect of both the pensions are not in accordance with the Mahomedan Law of Inheritance. If Gulam Hussain Khan, for instance, died leaving behind him no wife, father or mother, but only 3 sons and a daughter, all the 4 children become residuaries are are entitled to the pension, each son taking double that of the daughter. Thus each of the 3 sons get $\frac{2}{7}$ of the pension while the daughter has to get the remaining $\frac{1}{7}$.

83
Law

13) In the case of Mohadin Khan, it is reported that he has left behind him only a daughter, but that his nephews are claiming the pension also. Under the Mahomedan law, a daughter, where there is no son is only a sharer and cannot take the whole estate, unless there are no residuaries or distant kindred. Mulla in his book on Mahomedan law says at page 47: "It will be seen that the daughter though she is nearer in degree, does not exclude the brother's son or his son. Thus if the surviving

Serial No.

83
Law

relations be a daughter and a brother's son, the daughter takes ½ and the brother's son takes takes the residue." The proposal of the D.C. Mysore to give the whole pension to the daughter is therefore against Mahomedan law. Under it she can get only ½ of the pension allowed to her father, the other half being ~~divided~~ divisable among the sons of the brothers of deceased Mobadir Khan -

A 14) If under the law or custom relating to the devolution of these Sarjapur pensions, Govt have the discretion of apportioning the pension in ~~the~~ any manner they think fit, they are of course not bound to follow the strict rules of inheritance prescribed under the Mahomedan law -

Asst Secy, L&G
With Compts

MP
1/9

15) Please note with reference to A, how such cases are being dealt with. Rules & precedents may also be given.

MP
2/9

16)

Like the devolution of these Sarjapur pensions ~~is~~ is not governed by strict rules of Mahomedan law. The Sarjapur pensions were originally ~~dealt with~~ by ~~the~~ Muzrai Dept recorded by the Inam Dept in the register of grants many allowances

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

and were dealt with in the Muzrai Deptt.

17) Subsequently they came to be treated since 1901 as political pensions in the Muzrai Deptt. P. P. 141-430 30th Jan 1901. Mar C-

18) The application of the Mahomedan Laws was not strictly adhered to while distributing the pensions and on several occasions the principle was departed from, the Rewards being made on grounds of convenience and expediency. In the Order of 1917 No H 4970-1 of 6th March 1917 on the death of one of the pensioners, the pension was registered in the name of a male heir the nearest in the line of succession, leaving the question of distribution among the other male members to be settled by themselves. Mar E.

19) This reference is also invited to G.O. No H/2012-3/SA 62-14-13 of 10th Nov 15. where a departure is made from the principle of Mahomedan Law. Mar D.

One Mohd Lathif, a Sarjapur Jahgir Stipendiary died on the 11th March 1914 leaving behind him his mother and two elder brothers, and the vacant stipend was continued in the name of the mother of the deceased, the brothers having resigned their claims to the Stipend.

20) Similarly in the Case of Mohamin Bi who died, he leaving behind her husband and two daughters, the Stipend in question was continued in the name of the two daughters Order No 13203-4 P. P. No 574 of 11-2-02 Mar (A)

Serial No.

the husband of the deceased having received his claim. Under the Mahomedan Law the husband is entitled to one fourth and the two daughters to two thirds.

21) These Stipends are hereditary and are continued to heirs without reduction though in the matter of selection of heirs sometimes the daughters have been excluded and at other times daughters have been given shares and thus rules of Mahomedan Law have not been closely followed.

22) Moreover the allowances are very small in amount and it would be very difficult on the part of the Govt to recognise smaller fractions when they are further divided and Govt have the discretionary power of apportioning the pension in the manner they deem fit according to the circumstance of the case.

SRA 20.20 (14-16)

23) This reference is also invited to the Members note of 12/9 vide 15/14 (Flag M)

The reference perhaps shows that the devolution of these pensions is not required to strictly follow the Mahomedan law of succession and that the distribution heretofore made by Govt on considerations of equity. does Mr Gwynne's Banerjee therefore recommends the proposals of the Dy Com^r in regard to the persons in question (vide paras 9 & 10 supra) may be sanctioned. According to these proposals (the pension of Rs 3-15-5 has to go to the only daughter Ashraji Bai to Mohadin Khan's

NOTE—Contn. Sheet.

the exclusion of the brother's sons of the deceased. The pension of Gulam Hussain Khan of the same amount is proposed to be devided among his daughter & 3 sons, 1/3 of the pension being given to the former & the balance divided equally among the latter.

2. In this connection reference is invited to the minute dt 14-5-1921 of the then Member in Council in Mir Hamza Hussain in SSA 20-20, in which he suggested, for reasons explained, that G.O. no 7L 4770-1 dt 6-3-1917 may be relaxed & a vacant pension registered in the name of a male heir, the nearest in the line of succession leaving the question of distribution amongst the other male heirs to be settled among themselves. This principle was followed in the particular case then in question.

3. The Assistant Secretary, Law Department, is requested to note who will be the nearest male heir in whose name the pension may be registered in case the principle referred to above is to be adopted in the two cases in question.

Asst Secy, Law Dept with Compts

AHL 11/10.

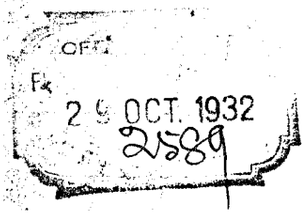
4. In the case of Gulam Hussain Khan, the nearest male heirs are his 3 sons. In the case of Mohadin Khan, they are his nephews, i.e. all the sons of all the brothers, in all 6 persons. Among these no one can be legally said to be more nearly related to the deceased than the others.

Asst Secy Fl Dept with Compts

MP 13/10.

Vide Secretariat Secretary's Secretariat Secretary's Secretariat per 144 31/10 Law

Serial No.



Subd for orders

Jud'dcy) 15/10

In the case of Gulab Hussain Khans Stipend the Dr Comr has recommended division ~~between~~ among the 3 Sons & one daughter - But he has not followed the Mahomedan law in fixing the Shares. Instead of the fractions he has proposed viz $\frac{1}{3}$ to the daughter and $\frac{2}{9}$ to each of the three Sons, the fractions according to the Mahomedan law viz $\frac{1}{7}$ to the daughter and $\frac{2}{7}$ to Each son may be adopted (Vide para 12 above)

In the case of Mohadin Khan as recommended by the Dr Comr, the entire amount may be given to the only daughter -

In both cases the Dr recommendation may be agreed

182 dcy. 27/10

30/10/32

Draft may be put up
31/10

Subd with a draft G.O. for approval
8/11

It is said that Gulam Hussein Khan died on 2.7.30. The point for orders is whether the pension now sanctioned should take effect from the said date or date of order.

It has been

NOTE—Contn. Sheet.

usual to grant these pensions from the date of death. The

WW 3/11 Draft paras follows this practice

For perusal before issue

Further seen) 15/11

Mopm issue 17/11

TYPING SECTION 17. NOV. 1932 GEN. & REV. DEPT.

To the Deputy Comr Bangalore Dist

the Comptroller & Cantt 15/

No H 2802-3 0, 23, 11/32 20

Sanctions the Recommendation of the Deputy Commissioner, Bangalore.

WW 6/11/32

4-9-30

FINANCIAL SECRETARY
3 SEP.
No.

To

The Financial Secretary of the
Government of H.H. The Maharaja
of Mysore in Mysore
Bangalore

Most Respected Sir,

(1) I the undersigned Mohammed Gajuddin Khan Son of the late Mohammed Gulam Hussain Kha Sahib, Jahagirdar, Sarjapur, Bangalore District beg to state that I am the eldest son of my father who died on 2-7-30 leaving the three sons and one daughter - namely - (1) the petitioner Mohammed Gajuddin Khan (2) Md. Mynud[illegible]han (3) Md. Raza Khan (4) Mariyambi (daughter).

(2) My father, the deceased, was getting Rs 3-15-5 per annum as Sarjapur Jahagiri Pension. I beg that this pension may be kindly ordered to be disbursed to us. The Stipendiary Certificate of my father is submitted to the Deputy Commissioner Bangalore. I have been expecting for the favourable orders

I beg to remain
Respected Sir,
Your most obedient Servant

~~1-8-1930~~
Sarjapur
1-9-1930.

App. F. G.9]

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

GEN. & REV. SECRETARIAT.

OFFICIAL MEMORANDUM.

No. H 2202/E1 dt 18/9/30

The accompanying Petition is Registered

No. 1149 & 1159 dated 1.9.30

received at the General and Revenue Secretariat from Ejaju ddin Khan Son of the late Mahamad Gulam Hussein Khan Sahib - Sarjapur Jahagirdar Pensioner praying for the ~~grant of the amount~~ disbursement of his fathers' pension @ Rs 3-15-5 to himself and among his brothers —

is forwarded, ~~together~~ with its enclosures to the Comptroller to the Govt of Mysore

..... for favour a report

By Order,

Secretary.

BANGALORE,

.....19.....

[P. T. O

WD 425—GPB—2000—3-11-25

ಅರ್ಜಿದಾರ ಬೆಂಗಳೂರು ತಾಲ್ಲೂಕು

ಹೋಬಳಿ

ಗ್ರಾಮದಲ್ಲಿರುವ

ಇಂಡಾರ್ಸ್ಮೆಂಟ್ ಹುಕುಂ.

ಬೆಂಗಳೂರು.

By Order

Secretary.

OF HIS HICHNESS THE MAHARAJA OF MYSORE.

Bangalore, dated 5th June 1931.

No. 2488/Pen. 9/ one file

From

S. SHAMANNA, Esq., B.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

AS/9.6.31

To

S+A 83-30 — 12

Rajaseva Parayana
B. Srinivasa Iyengar Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Financial Department, Bangalore.

Sir,

Adverting to correspondence ending with your Memo No.Fl. 8481 dated 11-5-1931 forwarding two petitions from Gajuddin Khan for payment of pension of Rs 3-15-5 ~~each~~ in both cases relating to the ~~from Gajuddin Khan son of~~ late Mahamed Gulam Hussain Khan and ~~nephew of late~~ Mohadin Khan deceased Sarjapur pensioners, I have the honor to forward herewith copy of letter No.C.3-2797/30-31 dated 2-5-1931 received from the Deputy Commissioner, Bangalore District, together with the connected papers relating to the pension of Mr. Gullam Hussain Khan.

The Deputy Commissioner is of opinion that out of the pension of Rs 3-15-5 of late Gulam Hussain Khan 1/3rd may be given to his daughter Mariambi and the remaining 2/3rds divided equally among the three sons.// The Deputy Commissioner states that the claim for the pension of Mohadin Khan is under investigation and the result will be communicated in due course.

I have the honor to be,
Sir,
Your most obedient servant,

For Comptroller

CV

213 5/6

Letter No.C 3-2797/30-31 dated 2nd May 1931 from the Deputy Commissioner, Bangalore District, to the Comptroller in Mysore.

======

With reference to your letter No.761 dated 14-10-1930 regarding the claim of Jahagir pension of late Mohadinkhan, by his son Mr. Gajjudinkhan, I have the honor to state that the Amildar, Anekal Taluk, to whom the matter was referred states in his report No.Sarjapur Cn.12 of 30-31 dated 21-3-1931, that the pensioner Gulam Hussainkhan died in Sarjapur on 2-7-1930. He has left three sons by name Gajjuddinkhan, Myoddinkhan, Mohamed Razak Khan and also a daughter by name Mariambi. The first and the third sons are living in Sarjapur, whereas the second son is living in Honganur Village, Chennapatna Taluk, owing to his ill-health. His daughter is said to be living in Mysore. The Amildar recommends that out of the pension of Rs 3-15-5 of late Gulam Hussainkhan, 1/3 be given to his daughter Mariambi and the remaining 2/3 divided equally among the three sons.

The claim to Mohamed Khan's pension is under investigation, and the result will be intimated to you in due course.

" Copy "

Superintendent, Records Section,
Comptroller's Office, Bangalore

CV

2/6

OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. Pen.1773. 4/one.

Bangalore, dated 11th January *1932.*

From

S. SHAMANNA, Esq., B.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

FINANCIAL BRANCH 3295 15 JAN. 1932 GEN. & REV. SECTN.

To

Rajasevaparayana
B. Srinivasa Iyengar Esq., B.A., B.L.,
Financial Secretary to the Government of Mysore,
B a n g a l o r e.

Sir,

With reference to your D.O. No.Fl.4462 dated 24th December 1931 re the payment to Gajaddin Khan of the pension of Rs.3-15-5, of Sarjapur family, to himself and his brothers, and in continuation of this office letter No.2488/Pen. dated 30th May 1931, I have the honor to forward herewith a copy of letter No.C.3-2797/30-31 dated 28th December 1931 received from the Deputy Commissioner, Bangalore District, for information

I have the honor to be,
Sir,
Your most obedient servant,

K.S.

For Comptroller.

13.1.32

Sent for perusal. Further
reply may be awaited.

27/1/32

Letter No. C3.2797/30-31 dated 28th December 1931 from the Deputy Commissioner, Bangalore District, to the Comptroller, Mysore Government, Bangalore.

In continuation of this office No. C3.2797/30-31 dated 16th March 1931, in the matter of the payment of Sarjapur Jahagir pension to Gajuddinkhan and Mohadinkhan, I have the honor to state that the Amildar, Anekal taluk reports that it is ascertained on local enquiry, that there are 6 persons who trace their relationship to the previous pension holder and that these persons are employed in different departments in different parts of the State and that notices have been issued to them through the heads of offices in which they are employed to appear before him to substantiate their claims if any, for the said pension and promises to complete the enquiry in about a month and submit his final report in the matter. On receipt of the same the required information will be furnished to you.

" C o p y "

Superintendent, Records,
Comptroller's Office.

11.1.32

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 28/11/ 1932

Signed by Mr Subba Rao

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section S+A

File No. 83-30

Serial No. 20

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— Petition dy 1.9.30 from Mr Gajnoori Khan, eldest son of the late Gulam Hussein Khan, a Sanyasipur Dispensary, praying for the distribution of his father's pension of Rs 3-15-5 to himself and his brothers.

2) Correspondence ending with Order thereon.—No. Legis No 2488/Pen dy 5th June 1931 forwarding the Comptroller, forwarding his report of the Dy: Comm^r, Bangalore dy in the matter of the claim of the above persons, recommending distribution of the pension dy Rs 3-15-5 drawn by the late Gulam Hussein Khan, one third, viz, Rs 1-5-2, may be given to his daughter Mariambi and the

two shares
remaining 2/3 divided equally
among his three sons as
follows :—

1. Mahomed Ghazneein Khan - 0-14-1
2. Mahomed Myoddin Khan 0-14-1
3. Mahomed Razak Khan - 0-14-1

~~4. Mariam Bi 1-5-2.~~

Order No H-2802-3. dt. 28/11/32

The Dy Com's proposals are fully sanctioned. The order will take effect from the date of the death of Gulam Hussein Khan,- viz 2-7-1930.

16/11/32

for Financial Secretary.

for 15/11

To the Deputy Com, Bangalore dist.

The Comptroller to Govt with records.

List of Enclosure.

Copied by

Examined by

THE MAHARAJA OF MYSORE

Read:-

Petition dated 1st September 1930 from Mahomed Gajuddin Khan, eldest son of the late Gulam Hussein Khan, a Sarjapur stipendiary, praying for the disbursement of his father's pension of Rs.3-15-5, to himself and his brothers.

2. Correspondence ending with letter No.2488/Pen. dated 5th June 1931 from the Comptroller, forwarding the report of the Deputy Commissioner, Bangalore District recommending that out of the pension of Rs.3-15-5 drawn by the late Gulam Hussein Khan, one-third viz., Rs.1-5-2 may be given to his daughter Mariambi and the remaining two thirds divided equally among his three sons as follows:-

1.	Mahomed Gajuddin Khan -	0-14- 1
2.	Mahomed Myoddin Khan	0-14- 1
3.	Mahomed Razak Khan.	0-14- 1

Order No. Fl 2802-3/SFA 83-30-20

Dated, Bangalore, the 18th November 1932.

The Deputy Commissioner's proposals are sanctioned.

This order will take effect from the date of the death of Gulam Hussein Khan, viz., 2nd July 1930.

A Jeeva Rao

for Financial Secretary to Government.

To

The Deputy Commissioner, Bangalore District.
The Comptroller to Government with records.

MK.3